IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 5937 of 2004

Between:

K. Viswanatham, S/o. Late Lakshmaiah
General Manager, A.P. State Trading Corporation

R/o. Flat No.204, Amrutha Enclave
Banjara Hills, Hyderabad.

... PETITIONER

AND

1 The Chairman A.P. State Trading Corporation Ltd., Secretariat, Hyderabad.
2 The Managing Director, A.P. State Trading Corp. Ltd., Fatehmaidan Road,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent is not considering the representation dated 27-02-2004 for reinstating the petitioner who was kept under suspension by his proceedings No.542/HRD/KV/ACC/2003, DATED 29-11-2003 as illegal, arbitrary, unconstitutional and contrary to the provisions of law and consequently direct the respondent to reinstating the petitioner into service as General manager in the 1st respondent organization

Counsel for the Petitioner: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondents: MR.B.D.MAHESWARA REDDY, Advocate

The Court Made the Following Order:

ORDER:

The Petitioner has been suspended pending enquiry on account of registration of a criminal case against him by the Anti Corruption Bureau, for possessing disproportionate assets to his known sources of income after conducting search on 28.11.2003. He was suspended by proceedings dated 29.11.2003. He made a representation dated 27.02.2004 for reinstatement, to the Chairman of the first respondent. He is aggrieved that the said representation has not been considered.

The learned counsel for the petitioner would urge that if a rational assessment were made of the petitioners income *vis-à-vis* the assets acquired by him, no case of disproportionate assets arises. This aspect cannot be gone into by this Court. Whether the petitioner's assets are disproportionate to his known sources of income would have to be adjudicated by the Court before which the charge is laid, by the ACB.

As the petitioner's representation to the first respondent has not been considered, the writ petition is disposed of directing the first respondent to consider and dispose the petitioner's representation dated 27.02.2004. Nothing in this Order of the Court shall be construed as an expression by this Court on the merits of the petitioner's claim that his suspension is unmerited.

_____

(GODA RAGHURAM, J)

June 29, 2004

Dsk/Pvks

To

1 The Chairman A.P. State Trading Corporation Ltd., Secretariat, Hyderabad.
2 The Managing Director, A.P. State Trading Corp. Ltd., Fatehmaidan Road,

Hyderabad.

3 Two C.D. Copies